

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	NO. 3:15-cr-00078
v.)	JUDGE ASPEN
)	
VLAD DIACONU)	

**RESPONSE OF THE UNITED STATES TO
DEFENDANT'S REVISED POSITION AS TO HIS SENTENCE**

Comes now the United States of America by and through the United States Attorney for the Middle District of Tennessee and files this Response to the Defendant's Revised Position as to His Sentence. While the government agrees that the imposition of a below-Guidelines sentence pursuant to 18 U.S.C. § 3553(a) is appropriate in this case, the United States submits that a sentence of 37 months is sufficient, but no greater than necessary, to achieve the purposes of sentencing.

The defendant relies heavily on the time he spent in custody in Romania awaiting extradition in arguing for the imposition of a sentence of 25 months. The defendant was detained in Romania from May 9, 2016, when he was arrested by Romanian authorities pursuant to the extradition request submitted by the United States, until August 18, 2016, when he was picked up by the Federal Bureau of Investigation (FBI). This 3-month period of detention is attributable to two factors: (1) Romanian proceedings to approve the extradition request and (2) the arrangements that had to be made by United States authorities after learning the request had been granted and before the defendant could be brought to the country.

Although the defendant was arrested on May 9, 2016, the Federal Bureau of Investigation and counsel for the United States were not notified by Romanian authorities that he had been

taken into custody until early June. At that time, Romanian authorities explained that a Romanian court had issued on May 24, 2016 an initial decision granting extradition; however, the Romanian authorities also stated that the defendant appealed this decision. It was not until June 10, 2016 that Romanian authorities informed the United States that the defendant's appeal had been denied and thus that the extradition request had been approved.

Upon learning that the extradition request had been approved, there were several prerequisites that had to be addressed by the United States before the defendant could be retrieved. These included: (1) obtaining approval from any countries (in this case, the Netherlands) through which the FBI would transit with the defendant on their way from Romania to the United States and (2) coordinating with the Department of Homeland Security to approve the defendant's entry into the country for purposes of answering the charges brought against him. When scheduling the defendant's pickup, it also was necessary for the FBI to coordinate the schedules of several agents and a translator as well as the Legal Attache (LEGAT) in Bucharest, including taking into account other extraditions that the LEGAT would be assisting with around the same time.

With respect to the conditions in which the defendant was held in Romania, counsel for the United States currently has no information that would confirm or refute the description provided in the defendant's sentencing position. Romanian authorities did not convey to the FBI or counsel for the United States a description of the facility in which the defendant was detained, nor did the FBI personnel who picked the defendant up from Romania see the facility.

Conclusion

Based on the foregoing, the United States respectfully submits that the imposition of a below-Guidelines sentence of 37 months pursuant to 18 U.S.C. § 3553(a).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2017, I electronically served, via electronic mail ECF filing notice, the foregoing Government's Position of the United States With Regard to Sentencing Factors on defense counsel:

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